

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARK TAYLOR,

Plaintiff,

ORDER

-against-

05-CV-5251 (NGG)

RITE AID PHARMACY,

Defendant.

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GARAUFIS, United States District Judge.

Pro se plaintiff Mark Taylor filed this action pursuant to Title VII of the Civil Rights Act of 1964, alleging that defendant Rite Aid Pharmacy discriminated against him based on his race and national origin. Plaintiff seeks to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, but he has submitted an insufficient financial declaration application (*i.e.*, the “Request to Proceed *In Forma Pauperis*” or IFP application).

Under 28 U.S.C. § 1914, the filing fee to commence a civil action is \$250. Under 28 U.S.C. § 1915, the Court may waive the filing fee upon finding a plaintiff indigent. Section 1915 authorizes a court to dismiss a case brought by a plaintiff requesting to proceed *in forma pauperis* if the allegation of poverty is untrue. 28 U.S.C. § 1915(e)(2)(A); Cucco v. United States Bureau of Prisons, 328 F.Supp. 2d 463, 467 (S.D.N.Y. 2004); Hobbs v. County of Westchester, et al., No. 00 Civ. 8170 (JSM), 2002 WL 868269, at *1 (S.D.N.Y. May 3, 2002). Plaintiff’s financial declaration states that he is unemployed, that he was last employed in August 2004, and that he has not received any income within the past twelve months. The Court finds it is unlikely that plaintiff can survive without any source of income. Although the Court finds plaintiff’s IFP application insufficient, the Court grants plaintiff leave to file an amended IFP application.

Therefore, the Court directs plaintiff to submit an amended “Request to Proceed *In Forma Pauperis*” application within 10 days from the date of this Order or pay the \$250 filing fee to the Clerk of Court of the Eastern District of New York within 10 days from the date of this Order. If plaintiff fails to submit an amended Request to Proceed *In Forma Pauperis* application or fails to remit the filing fee within the time allowed, the action shall be dismissed.

SO ORDERED.

/s/
Nicholas G. Garaufis
United States District Judge

Dated: January 19, 2006
Brooklyn, New York